

From: ["Synk, Polly \ \(AG\\)" <SynkP@michigan.gov>](mailto:SynkP@michigan.gov)

To: [Saric](#)

[James;Wood](#)

["Nicole; Bucholtz"](#)

["Paul <"](#)

["\ \(DEQ\\)>"](#)

CC:

Date: 1/16/2014 12:04:58 AM

Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

I am free after 1 pm EST Friday; set a time when you see Paul tomorrow (ok, today).

More importantly, I am sending Paul my writeup of the State's major (and minor) concerns and corrections on ARAR text in the draft FS - my corrections to the amec tables will follow on Friday. I don't know if this will be too late to provide even a hint of what may be worth bringing up in your discussions with GP, but hopefully you can just glance at it. The 16th of January came way, way too fast.

I need to explain that the State just went through some major rescissions of rules, not just in environmental regulation but everywhere, effective 12/31/13, so this has been more involved than any of us wanted; the short story is the essential rules (cleanup criteria, haz waste handling, water quality standards) were retained, but the criteria rule cites changed and other less important (to this remedy) rules just don't exist anymore. So - we may as well clean up the text and tables - it is not beneficial to any of us to have outdated references in the FS.

Paul, feel free to share what I am sending you with our EPA colleagues, in writing or otherwise, with the understanding that it is draft. The discussion of Part 201 is more or less settled policy, but I want to be especially clear that the way that we discuss the Part 31 rules, and in particular the antidegradation rules as a relevant ARAR is up for discussion with EPA to ensure the best possible outcomes. This is a rather gray area where the remedy is not expected to directly excavate floodplains or create permit-regulated discharges, and so our approach is equally "gray" and can be flexible.

I also included objections on behalf of the State to GP/amec's proposed waivers of TSCA (at least at this point) -- if this is helpful to you, we'll keep it, but if the comments are in any way awkward or inappropriate, this is obviously EPA's jurisdiction and my proposed comments suggesting use of the alternatives in the fed regs can be omitted.

From: Saric, James [saric.james@epa.gov]
Sent: Wednesday, January 15, 2014 7:52 PM
To: Wood, Nicole; Bucholtz, Paul (DEQ); Synk, Polly (AG)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Pick a time as well for Friday and let me know. So we will need a call-in number. I am actually not working Friday, but I want to make sure we have a call to address this Friday and hopefully wrap this up.

Jim

From: Wood, Nicole
Sent: Wednesday, January 15, 2014 11:59 AM
To: Saric, James; Bucholtz, Paul (DEQ); Synk, Polly (AG)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

I am available between 9:00 and 5:00.

I am working from home so I will have to call in.

From: Saric, James
Sent: Tuesday, January 14, 2014 1:51 PM
To: Bucholtz, Paul (DEQ); Wood, Nicole; Synk, Polly (AG)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Sure. Let me know what time works for everyone.

Jim

From: Bucholtz, Paul (DEQ) [mailto:BUCHOLTZP@michigan.gov]

Sent: Tuesday, January 14, 2014 1:44 PM
To: Wood, Nicole; Saric, James; Synk, Polly (AG)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

All,

Can we have a quick call Friday afternoon? That way we can discuss what comes from Thursdays' meeting and have a chance to discuss our ARARs comments in general. Polly and I are both open.

Paul

From: Wood, Nicole [mailto:wood.nicole@epa.gov]
Sent: Thursday, January 09, 2014 6:07 PM
To: Saric, James; Synk, Polly (AG)
Cc: Bucholtz, Paul (DEQ)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Thank you both for your emails.

Jim, can you find out if GP "hand no problem" incorporating and complying with the ARARs on EPA's and MDEQ's lists? It was my understanding that they wanted to waive certain ARARs. If that is no longer the case and GP believes it can comply with the CWA, then our timeframes have loosened a bit in terms of specifying the exact requirements---if we want, for purposes of the FS, we can just reference the CWA and the state rules with very little narrative. If GP thinks that it can't comply with certain CWA requirements, then we do need to be more specific in the FS.

From: Saric, James
Sent: Thursday, January 09, 2014 4:47 PM
To: Synk, Polly (AG); Wood, Nicole
Cc: Bucholtz, Paul (DEQ)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Polly,

Thanks for the update If TMDLs were on your New Year's resolution list I would be worried about you! Paul and I are meeting with Georgia-Pacific on 1/16. If there are any specific ARAR issues we need to flag to GP, I would like to be able to bring them up. When we met in November, they said they

had no problem with EPA or MDEQs ARAR list....at least they thought they could incorporate everything. We did bring up the TMDL and the need to look into the issue of PCB contribution from floodplain run off. So, it would be nice to be able to let GP know the Agencies thoughts on this at the meeting on 1/16. As far as comments, my goal is to send a letter to GP with all of EPAs comments by 1/31. If we need to provide GP a different list of ARARs or different comments regarding ARARs than we provided them 3 months ago, we'll need those comments.

Jim

From: Synk, Polly (AG) [mailto:SynkP@michigan.gov]
Sent: Thursday, January 09, 2014 4:31 PM
To: Wood, Nicole
Cc: Saric, James; Bucholtz, Paul (DEQ)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Thank you for the EPA guidance document, and happy new year to you as well.

I am trying to find time to talk with Paul about this recent exchange on the Kalamazoo Site, MI rules, TMDLs and this most recent guidance; I don't know if it changes the analysis I had done on the floodplain/nonpoint source issues and the antidegradation rules, but this gives us more to talk about and more reason for me to broaden my understanding of TMDLs, which I actually had on my New Year's resolution list (OK, not really).

I will check in with Paul after his call tomorrow to get an idea of current timeframes for wrapping up our ARAR work (perhaps I am lucky and they have loosened a bit), but you can expect us to want to discuss this further before we send MDEQ's comments.

Thanks –

Polly

From: Wood, Nicole [mailto:wood.nicole@epa.gov]
Sent: Friday, January 03, 2014 12:26 PM
To: Synk, Polly (AG)
Cc: Saric, James; Bucholtz, Paul (DEQ)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Hi, Polly.

Happy 2014 to you.

I am attaching a recent EPA guidance document that is not exactly germane to the CWA issues at our site, but nonetheless provides a useful (and brief) discussion on the interface between CERCLA and the CWA at sediment sites. See pages 2 through 8.

We probably should catch up on this sometime in the next few weeks.

Hope all is well with everyone.

Nicole

From: Synk, Polly (AG) [mailto:SynkP@michigan.gov]
Sent: Friday, November 08, 2013 3:27 PM
To: Wood, Nicole
Cc: Saric, James; Bucholtz, Paul (DEQ)
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Hi Nicole – I did not forget this, but should have let you know I was working on it – sorry to have left this hanging out there. I needed to speak to some water division folks to better understand their application of antidegradation requirements, and we did that – there are some details I am waiting to hear back on from them, but I should be ready to discuss early next week.

In the meantime, they asked how the EPA plans to list, or not, the CWA antideg requirements as a federal ARAR here.

Tuesday all day and Friday morning next week look pretty clear for me. I don't know if I will have complete info, but we can start the ball rolling. Thanks,
Nicole –

Polly

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From: Wood, Nicole [mailto:wood.nicole@epa.gov]
Sent: Thursday, October 31, 2013 3:30 PM
To: Synk, Polly (AG)
Cc: Saric, James; Bucholtz, Paul (DEQ)
Subject: FW: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Hi, Polly.

Do you have time to talk next week, just lawyers, on the ARARs. I am wondering whether or not you plan on identifying the State antidegradation requirement as an ARAR for the River, I believe it is relevant and appropriate here being that PCBs will remain in the floodplains. I had sent you the guidance that supports that analysis in my previous email from 10/22/13.

Also, I think that the language I excerpted below from the attached document is incorrect: guidance documents can never be ARARs because they are not requirements, the PCB criterion of 3.9×10^{-6} ug/L is not enforceable under federal law, so I think it needs to be only a TBC, unless of course the State has rules or regulations that require that number to be met.

Section 2.3.1.3, page 2-4, Water-Specific ARARs: Great Lakes Water Quality
Guidance (PCB criterion of 3.9×10^{-6} ug/L) and MDCH fish consumption advisory
“trigger levels” are identified as TBCs. The PCB criterion of 3.9×10^{-6} ug/L should be
considered relevant and appropriate.

From: Bucholtz, Paul (DEQ) [mailto:BUCHOLTZP@michigan.gov]
Sent: Thursday, October 31, 2013 1:48 PM
To: Fortenberry, Chase
Cc: Draper, Cynthia E; Garret Bondy; Griffith, Garry T.; Jeff.Keiser@CH2M.com; Todd King; Wood, Nicole; Synk, Polly (AG); Devantier, Daria W. (DEQ); Saric, James
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Chase,

Enclosed are MDEQs preliminary draft comments on the revised Area 1 FS. We will continue to refine the comments and I will let you know if any remaining issues come to light. As Jim mentioned, we are continuing to work on ARAR related issues with EPA.

Let me know if you need to discuss any of the comments in more detail. We will continue to be available as we work through the issues and develop a final document.

Paul

From: Saric, James [mailto:saric.james@epa.gov]

Sent: Wednesday, October 30, 2013 3:13 PM

To: Fortenberry, Chase

Cc: Draper, Cynthia E; Garret Bondy; Griffith, Garry T.; Bucholtz, Paul (DEQ); Jeff.Keiser@CH2M.com; Todd King; Wood, Nicole

Subject: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Chase,

Enclosed are EPA's preliminary draft comments on the Operable Unit 5, Area 1 revised Feasibility Study document. EPA may have additional comments, as we are working with MDEQ on a few remaining ARAR issues. We will get back to you with any further comments regarding those in the next couple weeks. Also, MDEQ will be sending you their draft comments on the Area 1 FS as well in the next few days.

Please give me a call to discuss how to address these before our 11/21 meeting. Also, we are available to discuss any of these comments before the meeting. We look forward to working with you to resolve these issues.

Thanks

Jim Saric

U.S. EPA Region 5

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